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THE SITUATION CONCERNING WESTERN SAHARA

Report by the Secretary-General

INTRODUCTION

1. In his letter to me dated 3 June 1992 (S/24059), the President of the Security Council informed me that the Council welcomed the agreement of the parties to engage in discussions with my Special Representative, Sahabzada Yaqub-Khan, in an effort to reactivate the settlement plan for self-determination of the people of Western Sahara, while reaffirming its support for our efforts in this regard; and agreed with me on the necessity of maintaining the existing deployment of the United Nations Mission for the Referendum in Western Sahara (MINURSO) to monitor the cease-fire. The present report is submitted in pursuance of the last paragraph of the President's letter asking me to present a further progress report at the earliest possible date.

I. MILITARY ASPECTS

2. The Deputy Force Commander, Brigadier-General Luis Block Urban (Peru), has continued to serve as Force Commander a.i. pending the appointment of a new Force Commander. Brigadier-General Block Urban is scheduled to return to his country's service at the end of the current month. I have instituted consultations about his successor and will shortly make a proposal to the Security Council on this matter.

3. In the three months that have passed since my last report, there has been a marked decline in the number of cease-fire violations confirmed by MINURSO observers. Whereas a total of 102 violations were reported by MINURSO in the 3-month period March-May 1992, the total for the period June-August declined to only 6 violations confirmed by MINURSO, all of which were attributed to the Moroccan side. Two of these violations involved unauthorized movements by Moroccan troops while the remaining four related to improvements of defensive works. It is noted with satisfaction that there were no incidents of intentional hostility resulting in casualties on either side. The Frente para la Liberación de Saguia el-Hamra y de Río de Oro (Frente POLISARIO)

communicated a number of complaints concerning overflights of the Territory by military aircraft and also, in some instances, regarding unauthorized firing. For a variety of reasons, including both MINURSO's limited deployment over a vast territory and the transitory nature of the alleged violations, MINURSO was not in a position to confirm or refute any of them.

4. On 5 July 1992, two military observers on patrol in the area of Mahbas in the extreme north-east of the Territory sustained injuries when their vehicle was blown up by an anti-tank mine. One of the observers recovered from his injuries within a few days and returned to duty. Regrettably, the injuries of his colleague were of such a serious nature that he had to be medically evacuated to a neighbouring country and eventually repatriated. This unfortunate incident underlines the serious hazards posed by mines in many parts of the Territory. It has been indicated to MINURSO that in many instances mine fields are not properly charted, which would explain occasional casualties on both sides due to mine explosions. It is recalled, however, that both parties are obliged to provide MINURSO with the best available and most up-to-date information on the location of mine fields, so that MINURSO can enjoy the fullest possible freedom of movement in secure conditions in the Territory, in conformity with the settlement plan. To that effect, I urge both parties to ensure that all available information of this nature is transmitted to MINURSO, if this has not already been done.

II. OTHER ASPECTS

5. In accordance with the agreement reached with the two parties, my Special Representative embarked on a series of talks with each of them starting in the middle of the month of June. The Special Representative met separately with each side in different locations, initially in Geneva and the mission area, and finally in New York where the talks concluded on 2 July 1992. My Special Representative has kept the Permanent Representatives of Algeria and Mauritania informed about the progress of these talks.

6. While fully cognizant that disagreements over the criteria for eligibility to vote in the referendum are the main obstacles to the holding of a referendum in Western Sahara, the parties agreed, at the suggestion of my Special Representative, that their talks with him would initially focus on the formulation of safeguards to protect the political, economic, social and other rights and liberties of the losing side in the referendum, whatever the outcome. Agreements on such safeguards were expected to remove or to allay misgivings and suspicions and to promote an atmosphere of mutual trust and confidence in which the obstacles to the implementation of the settlement plan could be successfully tackled. To that effect, and without prejudice to the position of either party on the question of the criteria for eligibility to vote in the referendum, each party was invited to present its views and to submit proposals on safeguards to be offered to the unsuccessful party in the referendum. The parties were also reminded that in the interest of restoring confidence in the peace process, they ought to abide scrupulously by the provisions of the cease-fire and to abstain from any provocative behaviour endangering the settlement plan. In this connection, I have noted with

satisfaction the substantial decline in the number of confirmed cease-fire violations mentioned above.

7. Both parties demonstrated interest in cooperating with my Special Representative in his efforts to develop safeguards and guarantees as confidence-building measures designed to advance the peace process. For its part the Frente POLISARIO presented a document defining in considerable detail two sets of safeguards, i.e. those which it would be willing to offer in the event of a victory in the referendum, and others which the Frente POLISARIO would like to be applied should the integration option prevail. In the first category of guarantees, the Frente POLISARIO commits itself to govern on the basis of the principles of democratic freedoms, good-neighbourly relations, regional stability, non-interference in the internal affairs of other countries and evenhandedness in relations with neighbouring countries, including Morocco. It also indicates readiness to establish the fullest possible economic cooperation with Morocco, both bilaterally and in the framework of the Arab Mahgreb Union, and to study any proposal Morocco might wish to make for cooperation as long as it does not prejudice Western Sahara's sovereignty and territorial integrity. Should the integration option emerge victorious, the Frente POLISARIO requests the Government of Morocco to guarantee freedom from any form of political persecution or discrimination and to allow free emigration.

8. While stated in more general terms than those presented by the Frente POLISARIO, Morocco's offers and proposals for safeguards, which were made both orally and in writing, also address both the eventuality of integration and that of independence. In case of Western Sahara's integration with Morocco, the Special Representative was assured that the guarantees sought by the Frente POLISARIO for non-persecution, non-discrimination and freedom of movement would be forthcoming; and that over and above such guarantees a general amnesty and pardon would be declared. Conversely, Morocco undertakes to honour all national and international undertakings and to abstain from any action harmful to the dignity of others, while reaffirming its desire to ensure peaceful coexistence.

9. As mentioned above, these talks were not an end in themselves but rather a means to an end. They were expected to create a climate in which obstacles to the holding of the referendum, i.e. in the first instance, the criteria for eligibility to vote in the referendum, could be overcome. Whereas such an agreement remains to be negotiated, the talks did achieve their principal purpose in the sense that both parties now stand ready to engage in a new round of talks with the Special Representative, this time devoted to the interpretation of the criteria for eligibility to vote annexed to my predecessor's report of 19 December 1991 (S/23299). These criteria had been immediately accepted by Morocco, notwithstanding its reservations concerning some provisions which it found to be unnecessarily restrictive. However, the Frente POLISARIO rejected these criteria on the grounds that they would unduly enlarge the electoral body beyond those voters included in the census of 1974 and for a number of reasons of a procedural nature. Nevertheless, the Frente POLISARIO has gradually reassessed its position in the light of the efforts

being undertaken by my Special Representative to relaunch the settlement plan. Whereas the Frente POLISARIO continues to consider that the criteria appearing in the annex to the Secretary-General's report of 19 December 1991 are a violation of the Settlement Plan, it is ready to accept some of the criteria in the annex to document S/23299, but has basic reservations regarding others (paras. 29, 30 and 31 of the annex). Without prejudice to its position on the criteria, the Frente POLISARIO agrees to support the efforts of the Special Representative aimed at ensuring that both parties arrive at the same interpretation of all criteria.

10. Recently, it has been reported that the Government of Morocco was planning to hold municipal and legislative elections, as well as a plebiscite on constitutional reform in the coming months; and that the inhabitants of Western Sahara would be eligible to vote therein. In light of these reports, I asked my Special Representative to seek clarification from the Government of Morocco and, subject to confirmation of these plans, to explore the possibility of a postponement until after the holding of a United Nations referendum.

11. My Special Representative was informed, during his visit to Rabat last month that, while a final decision had yet to be adopted, the Government of Morocco was reluctant to consider postponement of the intended elections. However, should elections be held Morocco expressed readiness to give a written commitment to the Secretary-General in a formal letter from the Foreign Minister to the effect that:

(a) These elections were quite independent of and separate from the holding of a referendum under the United Nations Plan;

(b) Morocco solemnly reaffirmed its commitment to abide by the results of the Uni .d Nations Referendum.

The Government of Morocco holds the view that the contents of such a letter would dispel any doubts or misgivings that elections would prejudge the United Nations Referendum or would imply any weakening of Morocco's solemn commitment to the United Nations peace plan.

12. In expressing its reluctance to postpone the elections, the Moroccan side pointed out to my Special Representative that elections were due to have been held as early as 1990 but had been postponed in the expectation that a referendum on the future status of Western Sahara would be held in the near future. In light of the relevant provisions of the Moroccan Constitution concering parliamentary elections and considering the continuing uncertainty regarding the date of the referendum to be held under United Nations auspices, Morocco found it difficult to agree to a further postponement of its elections. Moreover, my Special Representative's attention was drawn to the fact that on several occasions in the past Western Sahara had been included in Moroccan elections.

13. In recent statements, the Frente POLISARIO has reacted very negatively to the possibility of Moroccan elections being extended to Western Sahara. I continue to expect that both parties will extend their full cooperation to my Special Representative in his current efforts aiming at breaking the deadlock in which the settlement plan has found itself since the beginning of this year.

III. OBSERVATIONS

14. I am encouraged by the progress achieved until now in my Special Representative's talks with the parties. It remains to be seen, however, whether the parties are willing to go far enough in adjusting their positions so as to make it possible to advance in real and concrete terms towards the holding of a referendum. It is my intention to submit a further report to the Security Council before the end of September, focusing on the results of the next round of talks by my Special Representative and the parties, due to commence on 24 August. Meanwhile, I propose to maintain the existing deployment and staffing of MINURSO.

15. In conclusion, I pay tribute to Brigadier-General Block and to the men and women under his command for the contribution which they have made to the maintenance of the cease-fire in Western Sahara. Their living conditions have in many cases been harsh and have tested to the limit their discipline and their commitment to the cause of peace in the service of the United Nations. That they have passed this test so well brings great credit to them, to the United Nations and to their countries.